

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

SULEMA GARZA

V.

NEW BREED LOGISTICS, INC.
and AIDA GARCIA

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ACTION NO. 4:11-CV-161-Y

ORDER DENYING MOTION TO QUASH AND FOR PROTECTIVE ORDER

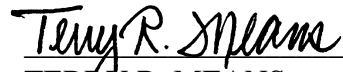
Pending before the Court is Plaintiff's Motion to Quash Subpoenas and for Protective Order (doc. 9), filed March 22, 2011. The Court DENIES the motion.

On April 16, 2010, Plaintiff filed an employment-discrimination suit against Defendants in a state court. Defendant New Breed Logistics, Inc., answered the state-court petition on May 17. On September 13, the trial court entered a scheduling order. On February 23, 2011, citation was issued to defendant Aida Garcia. On March 10, New Breed Logistics removed Plaintiff's action to this Court. The Court vacated the state court's scheduling order on March 16. Plaintiff now asks the Court to protect her from discovery sought by New Breed Logistics.

The Court has not issued a scheduling order to govern pre-trial discovery; thus, no discovery should be proceeding. *See* Fed. R. Civ. P. 26(d)(1). The Court's scheduling order will not be entered until after all defendants have appeared in this action and all parties have filed a joint status report and proposed discovery plan. *See id.* 26(f). Thus, there is no need for the Court to protect

Plaintiff from discovery that cannot proceed until after Garcia appears in this action, the parties file a Rule 26(f) report, and the Court enters a scheduling order.

SIGNED March 23, 2011.



TERRY R. MEANS
UNITED STATES DISTRICT JUDGE

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